

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

UNITED STATES OF AMERICA	§	
	§	No. 4:19-CR-330
v.	§	Judge Jordan
	§	
JAIRO GABRIEL LEON	§	
CABALLERO	§	
a.k.a. "Flaco"	§	

**ELEMENTS OF THE OFFENSE**

The defendant is charged in Count One of the Indictment with a violation of 21 U.S.C. § 963, Conspiracy to Manufacture and Distribute Cocaine Intending, Knowing, and with Reasonable Cause to Believe that the Cocaine will be Unlawfully Imported into the United States. The essential elements which must be proven to establish the offense are as follows:

1. That the defendant and one or more persons, directly or indirectly, reached an agreement to commit the crime charged in the Indictment, that is, to manufacture and distribute cocaine intending, knowing, and with reasonable cause to believe, that the cocaine will be unlawfully imported into the United States;
2. That the defendant knew of the unlawful purpose of the agreement;
3. That the defendant joined in the agreement willfully, that is, with the intent to further its unlawful purpose;
4. That the overall scope of the conspiracy involved 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine;
5. That the defendant knew or reasonably should have known that the scope of the conspiracy involved at least 5 kilograms or more of a mixture of substance containing a detectable amount of cocaine;

6. That the purpose of the conspiracy was to import cocaine into the United States;
7. That there was a sufficient nexus between the substance and the United States; and
8. That the defendant had an intent or knowledge that such substance would be unlawfully imported into the United States.

Respectfully submitted,

DAMIEN M. DIGGS  
UNITED STATES ATTORNEY

/s/ Maureen Smith

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was filed via electronic filing to  
defense counsel on January 16, 2024.

/s/ Maureen Smith

MAUREEN SMITH  
Assistant United States Attorney